

Before the Board of Zoning Adjustment, D. C.

Application No. 12176 of Bredice Brothers, pursuant to Sub-section 8207.1 of the Zoning Regulations for variances from the lot occupancy (Sub-section 5302.1 and Paragraph 7107.21) and open court (Sub-section 5304.1 and Paragraph 7104.22) requirements to permit an addition to a non-conforming structure in the C-2-A District at the premises 1434 Wisconsin Avenue, N. W. Square 1244, Lot 836.

HEARING DATE: June 22, 1976

DECISION DATE: July 13, 1976

FINDINGS OF FACT:

1. Applicant proposes to add a second story to an existing non-conforming structure.

2. The subject premises is a retail shoe store in front and a shoe repair shop in the rear.

3. The second story addition would constitute a one bedroom apartment with a mezzanine. The bedroom would be over the living area.

4. The entrance and exit to the said apartment would be through an exterior stairway to be built in the existing three and one-half (3.5) foot alley.

5. To effect its plans applicant needs a 19.2 square feet lot occupancy variance and 2.5 square feet open court width variance.

6. Applicant seeks to rent the proposed apartment for income purposes. Applicant and wife will not reside therein.

7. Opposition to the granting of the application was based on overcrowdedness.

CONCLUSIONS OF LAW AND OPINION:


For the Board to grant the area variances sought herein the applicant must establish peculiar and exceptional practical difficulties. Based on the record the Board concludes that the applicant has failed to do this. The Burden of Proof has not been met. Accordingly, it is ORDERED that the application is DENIED.

VOTE:

3-1 (Lilla Burt Cummings, Esq., Ruby B. McZier, Esq. and  
William S. Harps to deny; William F. McIntosh to grant).

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED By:

  
ARTHUR B. HATTON  
Executive Secretary

FINAL DATE OF ORDER:

4-19-77